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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/30/2008

Emmanuel Kossi Tangni

033339/313876

4688

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7590

10/01/2010

ALSTON & BIRD LLP

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EXAMINER

HOFFMAN, SUSAN COE

ART UNIT

PAPER NUMBER

1655

MAIL DATE

DELIVERY MODE

10/01/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10585431	9/30/08	TANGNI ET AL.	033339/313876

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**EXAMINER**

Susan Coe. Hoffman

ART UNIT	PAPER
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1655	20100929
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DATE MAILED:

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**Commissioner for Patents**

The amendment filed on July 27, 2010 effectively cancelling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims as originally filed were drawn to a composition and a method of making the composition. Claims to the current method of use were not presented. The current method claims are considered to be directed to an invention that lacks unity with the originally claimed invention. Lack of unity is demonstrated by any of the 102 rejections in the previous Office action that anticipate the previously claimed composition but not the claimed method. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Thus, since applicant only presents non-elected claims, the amendment filed on July 27, 2010 is considered to be non-responsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Susan Coe Hoffman/  
Primary Examiner, Art Unit 1655